

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JUSTIN KYLE PHELPS,)
Petitioner,)
v.) Nos. 3:20-CV-025
United States of America,) 3:17-CR-089
Respondent.)

ORDER

In accordance with the accompanying Memorandum Opinion, Petitioner's *pro se* motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255 [Doc. 1; Criminal Doc. 71] is **DENIED** and this action is **DISMISSED WITH PREJUDICE**. Petitioner's motion for appointment of counsel [Doc. 13] is **DENIED**, and his motion for an evidentiary hearing [*Id.*] is **DENIED as MOOT**.

Further, for the reasons set forth in the Memorandum Opinion, a certificate of appealability **SHALL NOT ISSUE**. The Court **CERTIFIES** that any appeal from this Order would not be taken in good faith, and, should Petitioner file a notice of appeal, he is **DENIED** leave to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24.

The Clerk is **DIRECTED** to close the civil file.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan

United States District Judge